



March 7, 2019

Ms. Marlene H. Dortch
Secretary
Office of the Secretary
Federal Communications Commission
445 Twelfth Street, SW
Washington, DC 20554

Re: CG Docket No. 03-123, *Telecommunications Relay Services and Speech-to-Speech Services for Individuals with Hearing and Speech Disabilities*, and CG Docket No. 13-24, *Misuse of Internet Protocol (IP) Captioned Telephone Service*

Dear Ms. Dortch:

On March 6, 2019, the undersigned with Roger Fleming of Northfork Strategies and Carl Billek, Senior Regulatory Counsel to IDT Telecom, Inc. ("IDT"), met on behalf of IDT with Randy Clarke, Legal Advisor for Wireline and Public Safety to Commissioner Starks, and Travis Litman, Chief of Staff and Senior Legal Advisor, Wireline and Public Safety, to Commissioner Rosenworcel.

We discussed the pleadings filed in the dockets captioned above and, in particular, the authority granted to the Commission under Section 225(b)(2) of the Communications Act ("the Act") with respect to intrastate services for purposes of administering and enforcing Section 225. We supported adoption of the approach to expanding the telecommunications relay service ("TRS") fund revenue base that the Commission proposed in paragraph 106 of the Further Notice of Proposed Rulemaking ("FNPRM")¹ in the instant docket. We observed that no jurisdictional separation of carrier property or expenses is required for the Commission to adopt that approach and thus it requires no Commission action under Sec. 410 of the Act. We also noted the Congressional support for the proposal and reviewed the letters attached to this *ex parte* notice.

¹ *Misuse of Internet Protocol (IP) Captioned Telephone Service; Telecommunications Relay Services and Speech-to-Speech Services for Individuals with Hearing and Speech Disabilities*, CG Docket Nos. 13-24, 03-123, Report and Order, Declaratory Ruling, Further Notice of Proposed Rulemaking, and Notice of Inquiry, 33 FCC Rcd 5800 (2018).



Ms. Dortch
March 7, 2019
Page 2

We reviewed the steps necessary to implement a change in the Commission's rules for calculating the TRS factor and the time line for completing those actions in time for the 2020-21 fund year. We observed that those actions include (1) adopting revisions to the TRS rules in this docket, (2) incorporating those rule changes in the Commission's proceeding to revise its Form 499-A, (3) analyzing revenue data from those forms once they are filed, (4) proposing a TRS factor based on that analysis and seeking public comment on it, and (5) adopting a final TRS factor, all in time for the July 1 start of the TRS funding year. Thus, in order to implement the base expansion proposal in paragraph 106 the NPRM, the Commission must act on that proposal no later than October or November of this year.

Finally, we observed that this docket addresses a voluminous array of complex matters related to telecommunications relay services, many of which cannot be addressed in isolation from each other and will require substantial time and analysis to resolve. Unlike those issues, however, the base expansion proposal can be addressed on a stand-alone basis because action on the proposal does not require resolution of any other issues in the proceeding nor does it affect the Commission's options or possible outcomes for those issues. Therefore, to avoid additional and unnecessary delay in resolving the base expansion proposal, we urged the Commission to act on the proposal via an order addressing only that issue and to do so before December of this year.

Sincerely,

A handwritten signature in black ink that reads "Colleen Boothby".

Colleen Boothby
Counsel, IDT Telecom, Inc.

cc: Randy Clarke
Travis Litman

Congress of the United States
Washington, DC 20515

September 8, 2017

Mr. Ajit Pai
Chairman
Federal Communications Commission
445 Twelfth Street, SW
Washington, DC 20554

Dear Chairman Pai:

It has come to our attention that a Petition for Rulemaking (in CG Docket No. 03-123) is widely supported by organizations that advocate on behalf of the Deaf and hard of hearing. The petition, which was filed in November of 2015, requests that the Commission issue a Notice of Proposed Rulemaking soliciting public comment on changes to the contribution methodology for the Telecom Relay Service (TRS) Fund and on the benefits of that requested change.

As Co-Chairs of the Congressional Deaf Caucus, we encourage you to make this a priority issue for your agency. The change suggested in the petition would protect the TRS Fund from the pressure of substantial growth in the services offered to the deaf community, and from what has been a continuing reduction in the revenue base for that fund. The proposed change does not require additional federal funding, taxes or fees and is consistent with the funding method originally contemplated by the federal statute.

Thank you for your attention to this important matter. We look forward to your prompt reply.

Sincerely,



Kevin Yoder
Member of Congress



Mark Takano
Member of Congress

Congress of the United States
Washington, DC 20515

December 10, 2018

Mr. Ajit Pai
Chairman
Federal Communications Commission
445 Twelfth Street, SW
Washington, DC 20554

Dear Chairman Pai:

In September of last year, we wrote, as Co-Chairs of the Congressional Deaf Caucus, to encourage the Commission to issue an NPRM regarding a petition for rulemaking to change the contribution methodology for the TRS Fund (CG Docket No. 03-123) that was widely supported by the Deaf and Hard of Hearing communities. In June of this year, the FCC issued a Further Notice of Proposed Rulemaking (CG Docket Nos 13-24, 03-123) in order to, among other things, address the issues underlying that petition and shore up that fund. We applaud your efforts in taking on such an important matter.

As you're aware, formal comments and reply comments have now been filed in that docket, and we are encouraged that once again the Deaf and Hard of Hearing communities have weighed-in heavily in favor of changing that contribution methodology to allow intrastate TRS revenue to be included along with interstate revenue to size contributions to the TRS fund.¹ We were pleased to see considerable support in the record for such a solution, including continuing support from the Deaf community.

We encourage you to ensure that FCC rules and policies address the needs of the Deaf community and that the TRS Fund contribution methodology strengthens the fund and protects it from future erosion or budget gamesmanship.

Sincerely,



Kevin Yoder
Member of Congress



Mark Takano
Member of Congress

¹ See, Comments of Hearing Loss Association of America (HLAA), Telecommunications for the Deaf and Hard of Hearing, Inc. (TDI), National Association of the Deaf (NAD), Association of Late Deafened Adults (ALDA), Cerebral Palsy and Deaf Organization (CPADO), American Association of the Deaf-Blind (AADB), Deaf Seniors of America (DAS), California Coalition of Agencies Serving the Deaf and Hard of Hearing, Inc. (CCASDHH), Deaf and Hard of Hearing Consumer Advocacy Network (DHHCAN), Deaf/Hard of Hearing Technology Rehabilitation Engineering Research Center (DHH-RERC), Rehabilitation Engineering Research Center on Universal Interface & Information Technology Access (IT-RERC) in CG Docket Nos. 13-24 and 03-123, filed September 17, 2018.